

## REMARKS

Claims 8-15 are all of the pending claims, with claim 8 being the sole independent claim.

### **I. The Reply Period Should Run From July 15, 2005:**

In the paragraph bridging pages 2 and 3 of the Office Action, the Examiner indicates that the reply period runs from mail date of the March 21, 2005 Office Action. Apparently, the Examiner set the Reply Period to run from the mail date of the previous Office Action based on a belief that the April 21, 2005 Response was not fully responsive to the March 21, 2005 Office Action. Applicants disagree.

The only issue raised in the March 21, 2005 Office Action was the alleged constructive election by original presentation. This single issue was squarely addressed in the April 21, 2005 Response. The fact that Applicants disagreed with the Examiner's position does not make the April 21, 2005 Response somehow deficient. The Examiner's assertions to the contrary are simply incorrect.

If the Examiner still maintains that the April 21, 2005 Response is deficient, then he is respectfully requested to point out (with specificity) the alleged deficiency.

Furthermore, the indications concerning the reply period are internally inconsistent because the Office Action Summary (attached to the July 15, 2005 Office Action) indicates that the Reply Period starts on the mail date of the July 15, 2005 Office Action. ***Clarification is respectfully requested.***

### **II. The Restriction Requirement:**

In view of the Examiner's repeated Restriction Requirement, Applicants filed a Petition to have the matter further reviewed. A courtesy copy of the Petition is enclosed for the Examiner's convenience.

### III. This Paper Should Stop the Reply Period From Running:

Applicants believe that this Response appropriately addresses every point of contention raised in the July 15, 2005 Office Action. Further, the July 15, 2005 Office Action is **non-final**. Accordingly, the filing of this Response is believed to stop the reply period from running.

For at least the reasons stated above, Applicants respectfully request the Examiner to examine claims 8-15 in the instant application.

### CONCLUSION

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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